Rain: high easterly winds.

THE NOYES-DANA CASE.

VOL. LXII. -NO. 221.

Argument on the Warrant for Removal Finished.

MR. MACFARLANE'S SPEECH.

Precedents, but No Case of an Editor Taken to Washington.

The Prosecution Seeks to Suntain Its Case on the Action of Courts in Cases Where the Defendants Were in the Bistrict at the Time of the Commission of Offences Charged, and, Fleeing, Recame Fugitives from Justice-No Parallel Found for This Case-Briefe Will Not Be Handed Up for a Wock, and No Decision Likely to Be Handed Down for a Fortnight.

The arguments on the application for a warpant of removal to take Charles A. Dana, the im to stand trial on an indictment for libe procured there by Frank B. Noyes, a citizen of Maryland, were finished vesterday. United States District Attorney Macfarlane closed the ease for the prosecution. Among other things he insisted that whether the section of the United States statutes on which the application for a warrant was based provided for such removals or not, nevertheless the warrant should be granted because other warrants of removal had been granted and because, if that statute fidn't give the power, there wasn't any statute that did.

He further insisted that every copy of a newspaper issued, if it contained a libel, was a separate and distinct offence; hence the presecution for riculating one copy, whatever its outcome might be, was no bar to subsequent prosecution for the circulation of each other copy. So that the editor of a paper with a circulation of 200,000, If all the prosecutions that could be instituted were instituted and the trial of each case occupied but one day, would spend 545 years and 2 months in defending just that one issue of his

In the course of his argument Mr. Macfarlane quoted decisions in a great many cases, but they were none of them cases where the prinsought to be held in this case, except in one or two cases of inter-State rendition. A stenographic report of the proceedings follows: CESSION OF THE DISTRICT OF COLUMBIA.

Mr. Bartlett-May it please the Court. Be fore the District Attorney commences I should like to answer one question which was asked by your Honor the other day, and that is as to the date of the acceptance by Congress of the censior of the land comprising the District of Co lumbia. On May 15, 1789, one of the Representatives from Virginia presented to the House a resolve of the Legislature of that State of the date of Dec. 27, 1788, offering to the acceptance of the Federal Government ten miles square of territory or any less quantity in any part of that State which Congress may choose to be occupied and possessed by the United States as the seat of Federal Government." This was read and ordered to lie on the table. On the follow inc day a similar resolution was offered by Mr. Sency of Maryland. He presented to the House an act of the Legislature of that State offering to the acceptance of Congress ten miles square of territory in any part of said State for the seat of the Federal Government. This resolu tion was read and ordered to lie on the table This will be found in Benton's Abridgment, 1st vol., pages 76 and 81. The proceedings that took place in the First Congress will be found on pages 141 to 107 in the first volume of Ben-Committee of the Whole under resolution to establish a permanent seat of government on Sent 3, and on Sept. 7 a resolution was offered that the permanent seat of the Government of the United States ought to be at some convenier place on the east bank of the river Susone hanna, in the State of Pennsylvania, and tha until the necessary buildings be erected for that purpose the seat of Government was to continue in the city of New York. This was subsequently Fiver Susquehanna," and after considerable discussion that resolution was adopted, and an en grossed bill was drawn up in conformity to the three prior resolutions, the resolutions having been referred to a special committee, consistin of Mesers, Ames, Lawrence, and Clymer. The question came up on Sept. 22 on the engro bill to establish a seat of Government, and on the question should the bill pass it passed by 31

On the following 26th day of September the bill as amended by the Senate came back with all that part struck out relating to the river Ensquehanna or the banks of the Susquehanna and haid out the permanent seat of governmen as a district of ten miles square, bounded on the bouth by a line running parallel to one mile distance from the city of Philadelphia, on the east side of the river Delaware, and extending borth and west so as to include Germantows That debate took place in the House as to the propriety of accepting the bill as amended by the Senate, and on Sept. 28 was dropped for the

session. The House adjourned on Sept. 29, 1789

The next session took place on the 4th of Janpary in this city and ended on the 12th day o July. On the 7th day of July a bill was brought in, of the provisions of which there is no explicit statement in Benton's Abridgment, but in substance it provided that the permanent seat of Government should be located on the banks of the Potomac, and that the temporary seat of Government should be located in the city of Philadelphia. Various amendments were introduced providing for the seat of Government being located at Baltimore or on the Delaware and several other points. They all failed. This new bill coming in from the Senate was passed on the 9th day of July and became law on the 16:4 day of July, 1790, and your Honor will find that set forth in the 1st United States Statutes. page 130, act of July 16, 1790. That act provided that "a district or territory not exceeding ten miles to be located as hereafter directed on the River Potomac, at some place between the the eastern branch and Conogo cheague, he and the same hereby is accepted the permanent seat of government of United States. Provided, nevertheless. that the operation of the laws of the State within such district shall not be affected by this acceptance until the time fixed for the emoval of the government thereto, and until Congress shall otherwise by law provide." This datute is found in Abert's Compiled Statutes in force in the District of Columbia, on page 047. The same act provided that " prior to the first Monday in December next all offices attached to the seat of government of the United States

main at the city of Philadelphia." Your Henor will recollect that the third sen-Son of the First Congress was held on Dec. 0. 1750, a Philadelphia and Congress continued Pursuant to this very act to sit in Philadelphia unill 1800. It was provided that the permanent seat of Government should be in Philadelphia about ten years, or until the first Monday of Decem ber, 1860, but in point of fact an act was pas on the 1sth of May, 1800, providing for the re-

Continued on Fourth Page,

shall be removed to, and until the said first

Monday in December in the year 1800 shall re-

NEW YORK, TUESDAY, APRIL 9, 1895.—COPYRIGHT, 1895, BY THE SUN PRINTING AND PUBLISHING ASSOCIATION.

PRICE TWO CENTS.

LI HUNG CHANG WELL.

His Wound Completely Healed-Will the Japs Attack Canton ! LONDON, April 8 .- A Central News despatch from Tokio says Dr. Sato reports that Li Hung Chang's wound is completely healed. Dr. Sato

will return at once to Hiroshima.

A despatch from Hong Kong to the Globe says that forty Japanese transports are assembled at the Pescadores, and it is reported that it is intended to make an attack upon Canton. Preparations are actively making to defend that city and torpedoes are being placed in the river to prevent the enemy's ships from ascending.

Despatches received in Vienna from Japan say that for some time the Japanese have been for tifying the passes on the Russo-Corean frontier. They have laid out a fortified camp in North Corea, and have stationed some 30,000 men there in expectation of an attempt on Russia's part to interfere in the arrangement of the

Corea, and have stationed some 30,000 men there in expectation of an attempt on Russia's part to interfere in the arrangement of the terms of peace.

The Austrian Government is informed that Corea intends to send envoys after the war to Europe and America to notify the Governments of her independence and seek to conclude treaties of commerce.

A despatch from Tokio says that eight Chinese officers were captured by the Japanese at the Peacadores. Eighteen guns, an immense number of trophies, and large stores of ammunition and rice were taken, and were sent to Japan. The Times correspondent in Shimonoseki says: "The Japanese terms were delivered to Li Hung Chang on April 1 and are now being considered. The Japanese are extremely jealous of publicity until the protocol is signed.

"A native journal has been suppressed for prematurely divulging some of the secrets respecting the armistice. Increased precautions to protect the envoys have been taken. Everybody entering or leaving the town is obliged to carry a permit; also to submit to a minute personal search. The envoys, Mr. Foster, and their staff are confined in a narrow area at the centre of the town."

WHAT THE JAPANESE WANT.

Differing Views as to the Proper Demands Upon China.

TOKIO, March 19, via San Francisco April 8, -The views held by the Japanese public outside of officialdom with reference to the terms to be exacted from China are two. One section of the people look chiefly to the monetary indemnity, the other to territorial acquisitions. The former are not influenced by mercenary considerations. What they desire is ad to cripple China's finances that for many years to come she will be unable to think of a war of revenge. They look forward also to a great increase i Japan's national power and administrative obligations, and they calculate that the additional outlay involved by that increase, including an extensive programme of military and naval development, will aggregate from 30,000,000 to 40,009,000 of yen annually, just the same that China would have to pay by way of interest.

Naturally the advocates of a large pecuniary fine do not overlook the fact that some guarantee of ks payment must be exacted from China. They talk, therefore, of a Japanese occupation of two provinces and of posting a Japanese garrison at the Taku forts. Moreover, in addition to all these things, they insist upon the permanent occision of the island of Formosa.

The territorial party, on the other hand, assert that it is quite hopeless to think of exacting any large money payment from China, and that as the prime object of the war was to exclude China finally from the sphere of Corean politica, its most appropriate conclusion would be the pushing back of her borders so far that Corea's fate would cease to have any interest for her.

These politicians contend that the whole of outlay involved by that increase, including an

Corea's fate would cease to have any interest for hor.

These politicians contend that the whole of Manchuria, eastward of the Liao River, including, of course, the Liaotung Peninsula, should become part of Japan's dominions, and they, too, like the other party, want Formosa. It is scarcely necessary to add that however large may be the territorial demands, they will not be content without an indemnity, the amount of which they fix at the total expense incurred by Japan. Both parties are aircuigly disposed to believe that nothing short of a sepances occupation of Pekin can induce China to agree to any acceptable terms, and it is further certain that the millitary ambition aroused in the nation at large will remain unsatisfied until the flag of the 'Rising Sun' floats over the Chinese capital. Either of the above programmes is evidently in excess of practical possibility, as well as of the ideas entertained by the Japanese picnipotentiaries; hence, whatever may be the terms of peace elaborated at Shimoneski, the popularity of the Japanese Cabinet will not be increased, and a new weapon of attack will be placed in in the hands of the opposition.

INSURGENT OUTBREAKS IN CUBA. The Patriots Are Giving the Spaniards a

Good Deal of Trouble. breaks have been numerous in the last three days. As far as can be learned, however, no battle has been fought. The province of Santiago de Cuba is still the most restless part of the island. Gen. La Chambre, who commands the Spanish troops in active pursuit of the insur-Spanish troops in active pursuit of the insurgents in this province, has been at Palma Soriano, to the northeast and across the mountains from Santlago city, for several days. He operates from this base in the nearby districts which are overrun frequently by insurgent bands. A report received from him this morning says that a party of 180 insurgents attacked the San Leandro postman and his guards yesterday morning, overpowered them before revolvers could be drawn, and seized the mails. Before liberating their captives the insurgents cut the telegraph wires. A Government force is pursuing the band.

band.

Gen, La Chambre reports also that insurgents under the leadership of itabl and Lara have been cutting the Ventas-Casanova wires. Small parties of troops have pursued them, but have caught only one man. He was one of Rabi's Lieutenants and was shot. The wires were re-

caught only one man. He was one of Rabi's Lieutenants and was shot. The wires were repaired at once.

The province of Puerto Principe is quiet. Everything is quiet rouble are plentiful enough rumors of coming trouble are plentiful enough. Yesterday the police found eight white men and three negroes marching with an insurgent flag about eight miles from the city. All eleven were captured without bloodshed. They admitted that they had intended to form a band and attack the barracks of the Civil Guard at Jaruco, a considerable town on the railway between Havana and Matanzas. If the Government had not been enabled, by early information, to check this movement, there undoubtedly would have been a rising which would have had serious results in this city.

MADRID, April 8.—The third lot of troops for the Cuban campaign will embark toward the end of April. They probably will relieve the troops now at Perto Rico, and the latter will be aent to the secies of action.

The decision of the Government to buy from the United States the gunboats needed to complete the squadron in Cuban waters is condemned by many influential politicians, who are convinced that the insurrection gets secret encouragement and support from Washington.

The Central News correspondent in Madrid says: "The Spanish Government will invite ienders from native and foreign firms for twenty gunboats, to be used in Cuban waters. The contract will be given to the firm offering the quickest, cheapest, and best work."

A SKIPPER SHOT BY CUBANS.

A Story from Havana Which May or May Not Be True.

The Ward line steamer City of Washington which arrived yesterday morning from Tampico and Havana, brings a story of the killing of the captain of a schooner off the east coast of Cuba, near Cape Maysi. One of the steamer's officers

near Cape Maysi. One of the steamer's officers says that a Spanish gunbeat which was cruising about Cape Maysi brought into Havana a few days before the City of Washington salisd two men of the crew of a British or American schooner which had been beached down on the cast coast. The story which he heard in connection with these men is as follows:

The schooner was chartered at Kingston or some Haytian port to transport several Generals and leaders of the Cuban revolutionary party and a quantity of arms and ammunition to a certain place on the eastern coast of Cuba. The captain of the craft either made a mistake or intentionally made for a different port from that selected by the insurgents, and with very little ceremony he was brought to the forward deck. His breast was bared, and he was told to pray. A few moments later he was shot.

Eventually the craft was beached, and when seen by the gunboat was descried save by the two men who were brought to Havana.

The story, it is said, is common property in Havana, but the names of the schooner and of the Spanish gunboat were not remembered by the didner.

Mr. Bidgway Encountered No Crutsers District Attorney J. W. Ridgway has returned to Brooklyn from his trip to Florida and the Island of Jamaica. He said there was no truth in the report that the steamer Mascot, in which he sailed to-lamsica, had been fired on by a Spanish cruiser. They skirted the whole island of Cuha, and did not encounter a single cruiser. Mr. Ridgway's health has been greatly improved by his trip.

WHO WILL BE HIS BRIDE?

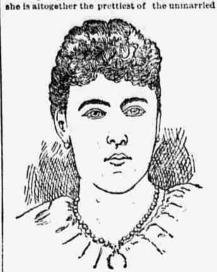
WILL THE PRINCE OF NAPLES WED PRINCESS ALEXANDRA?

A Rome Despatch Says So, but Later News Is that She Will Marry Another Man-Tribulations of the Heirto Italy's Throne

While Hunting Over Europe for a Wife. ROME, April 8 .- The Giornale announces the betrothal of the Prince of Naples to Princess

Alexandra of Saxe-Coburg. LONDON, April 8.-A despatch from Darmstadt says that the Princess Alexandra is already betrothed to Prince Ernest of Hohenlohe,

eldest son of the Viceroy of Alsace and Lorraine Princess Alexandra Louise Olga Victoria was born on Sept. 1, 1878, and is therefore only a little over 1636 years of age. It is not very likely that her marriage to anybody will be celebrated for a good while yet, as the education of the Princess will not be completed for some time. She is the fourth child of the Duke of Edinburgh, now the reigning Duke of Saxe-Coburg-Gotha, and



PRINCESS ALEXANDRA.

roung women who are descendants of Queen Victoria. She is, however, no prettier than her oldest sister, Marie, who was marriei in 1893 to Prince Fordinand of
Roumania. The daughters of the Duke of Edinburgh do not show so unmistakably as the
daughters of the Prince of Walesdo, that they
are descended from the House of Hanover, but
they take after the family of their mother, who
was the daughter of Alexander H., Czar of Russia. Very little is known to the public of the
young Princess, as she has not yet passed from
under the tutelage of her instructors; but she
has been said to be an amiable girl, of bright
parts, and considerable avidity in the pursuit of
knowledge.

The Duke of Naples is the heir to the throne
of Italy. He was born on Nov. 11, 1809, and is
therefore nearly 25be years of age. He is the
son of King Humbert, and was named Victor
Emmanuel for his grandfather. her oldest sister, Marie, who was mar-



A while aco it was rumored that he was to marry Maria Annunciata, the daughter of Archduke Charles Louis of Austria-Hungary, and the niece of the Austrian Emperor. This report was denied, and only a short time ago it was said that the Prince's engagement to one of the daughters of the Prince of Wales was likely soon to be announced. This information also turned out to be erroneous. In fact, the Prince, for several years, has been having a hard time in his search for a mairimonial pariner. It is said that he and his parents have been looking to the courts of England, Germany, Russia, and Greece for a wife for him, but in vain.

The great stumbling block in the way has been the Prince's religion, as Protestant princesses have hestiated to unite their fortunes with a Catholic prince.

But though objections were raised on the score of his religion, there is no doubt that he is one of the most admirable of all the royal princesof Europe. He is rather grave and sedate in manner. But in this he only resembles his male progenitors. For his father, King Humbert, rarely smiles; his grandfather, Vetor Emmanuel, had the same peculiarity, and his great-grandfather, Charles Albert, was a grave, serious philosopher. This young Prince also is a student, with a decided bent for philosophy. He has the disalvantage of being of short stature, so that he will never be able to present a very commanding appearance. Of course, he was well brought up. Perhaps his parents had at his birth an idea of marrying him to an English Princess, At any rate, they brought him up in English fashlon. They gave him an English nurse, and he learned to speak English even before he could talk Italian, French, and English readily.

IT WAS THE ARNO,

And the Freighter Merrimac Has Made

Prize of the Derellet Ship. It was the British ship Arno which the steam ship Umbria passed in midocean last Wednes ship Umbria passed in midocean last Wednesday, with a two-masted steamship alongside stripping the derelict. The Netherlands-American steamship Spaarndam, from Rotterdam, brought here yesterday confirmation of the conjecture in yesterday's Sun. The Spaarndam bore down on the Arno and the attending steamship, which turned out to be the freighter Merrimae. from New Orleans for Havre. A boat's crew of the Merrimac were taking a hawser from her to the Arno. The Arno had a strong list to starboard, due, doubtless, to the shifting of her cargo of 2,500 tons of wheat, which, it is said, was not properly stowed when she left this port on March 21. The Merrimac soon had the Arno in tow, heading to the eastward.

Her skipper will, if the weather is not bolsterous, try to tow the derelict into the nearest British port. He will get a sing sum in salvage if he is successful. Even if the wheat is partly water-soaked it will still have value. It is surmised that the chief trouble with the Arno was caused by the shifting of her cargo, which may be only slightly damaged.

The Arno's skipper had his wife and children with him, and, it is said, he would not have abandoned his ship if he had not feared that they would have suffered by sticking to her. day, with a two-masted steamship alongside

CUBAN SYMPATHIZERS.

Chicago Patriots Will Send Money and Men

Cricago, April 8.—Chicago will contribute its note to the war in Cuba. At a meeting held quota to the war in Cqua. At a meeting held specified to solicit subscriptions in the shops and factories of Chicago where Cubans or their sympathizers are employed. The money se-cured will be set aside as a special fund to pay for the passage and arming of volunteers. One man volunteered to return to Cuba and take up arms for his country. His proposition was ac-cepted.

The little band of fifty revolutionists known as members of the Patriotic Society of "Tello Lamar," at recent monthly meetings has subscribed in cash and forwarded to the insurgents over \$600. Every member of the society is pledged to subscribe 25 cents a month to the cause year in and year out. In times of revolution the payments are larger.

THEIR TRADES SCHOOL BURNED. Four Hundred Little Deaf Mutes Water the Flames-Loss \$40,000,

Flames were seen pouring from the secondstory windows of the three-story brick trades school building of the New York Institution for the Instruction of the Deaf and Dumb, at 165th street and Fort Washington road, at 11:15 o'clock last night.

Policeman Jacoby, who discovered the fire, rang an alarm and then ran to the building and roused the six employees who were asleep on A second alarm was rung at the main build-

ing of the institution at 103 162d street, and when the firemen came splashing through the rain and mud they rang a third alarm. The building stands out on a bluff overlooking

the Hudson, and the wind was blowing so strong that it seemed that the fire might get to the main building, as well as destroy the nearer laundry and power house.

Hydrants in that part of the town are scarce and the firemen were forced to drag long lines of hose considerable distances. When they were ready to work on the fire the flames were shooting high up in the air and

making a great display.

In the mean time the 400 children and the

In the mean time the 400 children and the hundred other inmates of the main building had been aroused, and preparations were made to march the children out should danger threaten. As this did not become necessary they stood at the windows, clad in their night robes, and had great aport watching the fire.

The trades school building, which was erected twenty years ago, burned rapidly, and, despairing of saving it, the firemen devoted much of their attention to saving the laundry and power kouse.

their attention to saving the laundry and power house.

At 12:30 o'clock the side walls of the building fell in and the sudden burst of flames made the display fluer than ever. At 1 o'clock the fire was under control.

The building is a total loss, The damage is put at \$40,000. The power house was not burned. In the burned building were the printing, shoemaking, carpentering, and tailoring, as well as other trade departments. The loss of tools will probably affect the working of the students for a time.

Principal Enoch Currier's yearly report was being printed in the burned building, and all the printing done on the report was destroyed.

MITCHELL NOT TO SERVE.

Doesn't Want to Be Police Commissioner

Edward Mitchell notified Mayor Strong yes terday that he didn't want to be a Police Commissioner. Mr. Mitchell would not talk about the matter, referring THE SUN reporter to the Mayor. The latter said that he did not know what Mr. Mitchell's reasons for declining the appointment were, because no reason was of-fered, Mr. Mitchell saying that his reasons were so many that he would not take up the Mayor's time with mentioning them. "I didn't much think he would accept, any

way," was the Mayor's comment. The Mayor appointed Samuel I. Abramson of the Fourth Assembly district, a city Marshal, Abramson, who was backed by Ernest Harvier and Charles Steckler of the Independent County Organization, takes the place of William Sullivan, and is assigned to duty in the Fifth District

Organization, takes the place of William Sullivan, and is assigned to duty in the Fifth District Civil Court. This is the second city marshalship which the Independent County Organization has got. Michael Madigan, attached to the First District Court, has been retained at the request of the organization leaders.

Preble Tucker, and several other representative Goo Goos called on the Mayor yesterday to present him with a copy of resolutions adopted by the Confederated Goo Goo Council about civil service reform and other things. Every man Jack of them had a speech to make, and made it. They went away with the request of the Mayor to call again sounding in their ears.

"You'll have to ask some one wiser than I am," said the Mayor in answer to a question as to the reason for the Goo Goo visit.

He was not so much in doubt as to the reason for the visit of George W. Wanmaker. Wanmaker is the Republican leader in the Eighteenth Assembly district. He is a Lauterbach man, so neither he nor his friends have got anything from the present Administration. The Mayor dismissed Wanmaker's candidacy for the Dock Roari by saying: "Oh, he doesn't look like a Dock Commissioner," When Wanmaker's friends in the Eighteenth tried to get places they were told that ex-Assemblyman Stephen N. Simonson was cetting all the patronage that the Brookfield folks saw fit to give to Eighteenth district Republicans. Wanmaker went to the Mayor yesterday to protest and to get something for his faction, if it was to be had. He got a cold reception, and departed after telling the Mayor that in his opinion the Tammany Hall to win by 100,000 majority next tell. Mayor and his friends have made it possible for Tammany Hall to win by 100,000 majority next fall.

"I won't go into that turning joint again while that man's in office," said Mr. Wanmaker as he left the Mayor's office. ends have made it possible

BYRNES'S TRIP TO ALBANY.

The Superintendent Boes a Little Quiet

Work on Police Legislation. Superintendent Byrnes took a day off from Mulberry street yesterday and went to Albany Mr. Byrnes is greatly interested in police legisla Ainsworth bills should be incorporated with the Lexow Bi-partisan bill.

Mr. Byrnes has denied that he is aware of an features of the Ainsworth bills. It is positively known that these bills have been submitted t im. Mr. Byrnes talked yesterday with Gov.

Morion and with others at Albany.

Mr. Byrnes has told his friends in this city that he would like to round out his career as the real head of the Police Department. The Lexow Bi-partisan bill gives him greater powers, but Hi-partisan bill gives him greater powers, but the Ainsworth bills give him still greater. Mr. Byrnes has had a number of representatives at Albany for several weeks, and it was insisted last hight at the Fifth Avenue Hotel that Mr. Ainsworth and his friends will demand of Speaker Fish that the Lexow Bi-partisan bill be amended so as to give Mr. Byrnes additional powers.

Incidentally it was recalled that two months ago Mr. Byrnes sent his resignation to Mayor Strong, and that the Mayor returned the document to Mr. Byrnes.

Gov. Morton, Speaker Fish, and Mr. Platt are friendly to Superintendent Byrnes. Dr. Parkhurst is his bitter enemy. The Doctor has worked day and night for three months to have the extraordinary Grand Jury indict him. The Republicans who were down from Albany last night talked about the Byrnes matter. One of the best informed of them said:

"Dr. Parkhurst has said that two men must go, and these two men are Platt and Byrnes. Platt doesn't care a cent for Byrnes, but if Dr. Parkhurst says that Platt and Byrnes must go Platt will see to it that Byrnes doesn't go. That's the size of the situation. In this matter of Byrnes, Platt and Strong seem to be on an even keel. All of Platt's friends are for Byrnes, and allo Strong's friends are for Byrnes, and allo Strong's friends are for Byrnes, and they would like to see him round out his career as the mighty man of the Police Department." the Ainsworth bills give him still great-

CROSS-TOWN CABLE BLOCKED. Truck 14 Gets Taugled Up on the Track of

Fire truck 14 swung out of the truck house on East 125th street, between Third and Lexington avenues, about 4 o'clock yesterday afternoon in response to an alarm of fire a which is drawn by three horses abreast, is difficult to manage, and it has met with many mis haps in consequence.

The rear wheels of the truck veered as they struck the sidewalk, slippery with rain. The bolt of the steering gear snapped, an iron brace in front of the rear wheels was torn out, and the

in front of the rear wheels was torn out, and the heavy truck settled down on the wheels and prevented them from moving.

The truck, topheavy with its weight of ladders and life saving apparatus, nearly upset, but the men manning it dropped off, and grabbing the ladders, held them up until the horses halted. Haif an hour was spent by the firemen in tugging and hauling at the wheels to swing them into place. Then a heavy jack screw was borrowed of the iron workers clevating the New York Central Railroad tracks through Park avenue. The truck was lacked up off the wheels and the crippled truck was backed into the house again.

The forward end of the truck had blocked both tracks of the crosstown branch of the Third Avenue Cable Road, and thirty-two cars were stailed before the blockade was lifted. The first cars in the blockade were delayed nearly forty minutes. Another truck attended the fire, which was triffing.

"Pike's Peak or Bust" Puzzle demand is great and growing. Newsdealer rea, and stationers sell it. 25 cents.—Adv.

DR. LANSING APOLOGIZES.

RETRACTS HIS CHARGES AGAINST MR. CLEVELAND.

Admits His Assertions That the President Is a Drunkard Were Based on Hearsay Talk-Makes His Regrets Public. BOSTON, April S .- The Rev. Dr. I. J. Lansing, who gained notoriety on last Thursday by say

ing at the Methodist Conference in Salem that President Cleveland was a drunkard and that he could prove it, is out with a letter retracting his statement and asking pardon for what he said. This is his letter; To the Press:
" My allusion made in a temperance address

at Salem on Thursday, April 4, to the drink-ing habits of the President of the United States was based partly on common report and partly on the testimony of eyewitnesses. From various and independent sources, which I believed to be wholly reliable, I had been informed that the President had been seen on different occasions, and in the presence of many persons, in an intexicated condition. From the circumstantial and detailed character of these statements, I supposed there was no doubt as to the facts alleged.

"I therefore made this allusion as a matter of common report, basing my confidence on the testimony of personal, and, as I supposed, credible witnesses. The names of the witnesses, obviously, I cannot with propriety reveal, since, sharing their knowledge in common with many others, they might justly shrink from being

sharing their knowledge in common with many others, they might justly shrink from being singled out and called to verify that of which not only they, but others equally with themselves, had ocular proof.

"I must therefore say that if my statement reproducing such testimony is not in harmony with facts. I regret having made it. I could have neither desire nor motive for saying anything unkind or uncharitable of the President or of any party whatsoever. This case being one of centilet of testimony between witnesses of equal credibility I cannot decide, and, since I have no personal knowledge apart from the testimony, I withdraw the statement and tender apologetic and sincere reserts to the President of the United States and to the public.

Salem, Mass., April 8.—In the New England Methodist Episcopal Conference this afternoon the Rev. C. E. Davis, Chairman of the Temperance Committee, arose and said that Dr. I. J. Lansing's attack on President Cleveland, in his temperance address before the Conference, had placed the Conference in a rather embarrassing position, and be asked the committee to meet him before the afternoon session. In view of the fact that the Conference is in no way responsible for the utterances of Dr. Lansing, and that Dr. Lansing holds himself personally responsible for the statements he made, Mr. Davis's request was voted down by an almost unanimous vote.

Chicago, April 8.—At their regular weekly

CHCAGO, April S.—At their regular weekly meeting to-day the Methodist and other ministers discussed the remarks of the Rev. Dr. Lansing, who at a meeting of a Methodist Conference in Salem, Mass., accused President Cleveland of being drunk at a banquet of the Reform Club. Dr. N. W. Depeneau sustained Lansing. Lansing.
The Rev. W. J. Libberton declared that it was

Lansing.
The Rev. W. J. Libberton declared that it was none of Lansing's business if Mr. Cleveland was drunk, and that Lansing's action was adiagrace. Dr. Joseph Odgers thought the same, and balieved that Lansing should be condemned. The Rev. H. M. R. Cogian was outspoken in his condemnation of Lansing. He said:
"As long as Grover Cleveland is President of the United States he should be respected. Even were there a basis for Lansing's attack, it would be an outrage to make the attack and no good could be accomplished. The only excuse in such a case would be that one of our high dignituries should be teken."

The Rev. W. B. Leach denounced Lansing as a man who longed for notoriety and took that method of getting it, and the Rev. M. M. Parkhurst capped the cilmax by stating that he knew Lansing and liked bim because he could make the nicest doughnuts he ever tasted.

"In fact," concluded Dr. Parkhurst, "the most sensible talk I ever heard from him was a lifteen minutes' discourse on 'How to Cook Doughnuts."

The Presbyterians were inclined to denounce Lansing without reserve. Said the Rev. W. G.

The Presbyterians were inclined to denounce Lansing without reserve. Said the Rev. W. G.

"There was no excuse. People should teach him a lesson. It was a base stander." The Rev. Dr. Wherry thought that Lansing should be retired from the ministry.

Against Dr. Lansing. STAMPORD, Conn., April 8. Some of the ministers in attendance at the session of the New York East Methodist Conference to-day wished his attack upon President Cleveland before the his attack upon President Cleveland before the New England M. E. Conference at Salem, Mass. They said that Dr. Lansing was not a Method-ist, but a Congregationalist. He did not speak as a Methodist nor for the Methodists, and the odium of bringing the personal life and habits of the Chief Executive under criticism should not be charged to the Methodists. Dr. Lansing was formerly paster of the Stamford M. E. Church.

TROY'S GOOD NAME.

Judge Griffith Tells the Grand Jury to Make a Thorough Investigation. TROY, N. Y., April 8 .- At the April term of

the Rensselaer County Court and Court of Sessions, which convened to-day, Judge Griffith delivered a charge to the Grand Jury in which he "The city of Troy is either one of the worst

governed cities or the subject of a series of the vilest and most malicious slanders ever uttered by tongue or written by pen. The name of the city is associated with all that is wicked and oriminal, and its officials are described as murderers, thugs, pillagers, and brigands. This is

criminal, and its omerats are described as murderers, thugs, pillagers, and brigands. This is spoken from the columns of local newspapers, and is echoed and reference of throughout the entire Union. The question of wilful and corrupt misconduct in office of public officers of every description in the county is a matter which concerns us, and our duty is to inquire into it.

"I charge and direct that you must inquire into the manner in which the public officers have discharged their duty, especially in the city of Troy. If the charges which have been thus publicly made can be substantiated by legal proof, then your duty is to accuse, by indictment, every person guilty of wilful and corrupt misconduct in public office. If indictments are found, the persons accused will be put on trial, and if proven guilty will be removed from place and power by conviction for crime.

"The only way by which the city of Troy can be relieved from the opprobrious name it bears is for a Grand Jury to inquire into its government and the official conduct of its officers. You may extend your inquiries back for a time not exceeding five years. I say this, because it is certain that if such a state of affairs exists as has been charged, it did not commence with the present municipal administration, but has grown from a corruption long protracted."

WARNER MILLER AND REFORM. He Says the Republican Leaders Are for "Lexow Ideas."

CHICAGO, April 8 .- Ex-Senator Warner Miller of New York is at the Auditorium. When asked last night about politics in New York, the silver question, and the probable nominees of the next Republican National Convention, he said : The thing that occupies attention now is the

effort of New York Republican leaders to get the Legislature to change the condition of affairs from a Tammany Hall basis, so that everything may conform to the Lexow ideas of reform. The three leading Presidential candidates. McKinley, Reed, and Allison, are all dates. McKinley. Reed, and Allison, are all popular in New York, but there has been as yet no concentration of sentiment in favor of either. New York is not fixed for any candidate so far as i know."

"What is the strength of the free silver sentiment in the East?"

"There is no organized movement for free silver. A few bankers and many individuals are in favor of free colinage, but the masses are opposed to it. It appears to me that honest money and the tariff question will control the next Hepublican Presidential nomination, and that Populam and ree silver will not only control the Democratic Convention but will dictate the platform and name the candidate."

"Will you be a candidate for redirection to the Senate?"

"I am entirely out of politics now, and think-

Senate?"
"I am entirely out of politics now, and think-ing of nothing except the Nicaragua Canal. The Benatorial election is too far away."

Corporation Counsel Scott III. Corporation Counsel Scott went home til yes

terday afternoon. He felt all right when he reached his office in the moraing, but he had a severe chill later, and developed some of the

WILL STILL FIGHT THE TAX.

Mr. Moore Says that He Will Press His Contest of the Odlons Law to a Finish. John G. Moore, who brought the original suit contesting the validity of the Income Tax law.

"I am advised by my counsel that the Court divides equally on the question of the validity of the tax so far as the \$4,000 exemption is con cerned. There is a strong expression of opinion by Justice Field that the entire law is unconstitutional. This, however, cannot be decided until there is a full beach. The question as to the invalidity of the law on account of the \$4,000 exemption can be raised by a motion for a rehearing before the full bench, or by making a payment under protest, and suing the collector to recover the money. This is only a partial victory. I intend to continue the contest against the law, and, if necessary to do so, I will make my return, pay the tax, and then institute suit to recover. I adhere to my original opinion that the law is not only edious to a great majority of the American people, but is in violation of the Constitution, and I intend to press the contest to a finish."

GOV. MARVIL DEAD.

A Democrat Succeeds to the Governorably LAURET, Del., April 8 - After an illness that

had lasted for several months, Governor Joshua Perkins Hopkins Marvil died at 9:15 o'clock Just before his inauguration a few months ago. lov. Marvil was stricken with heart trouble, and was too ill to take any part in the cere

monies of his induction into office. Recently he railled and there were hones of als ultimate recovery. When it was thought that he was on the road to recovery, erysipelas

set in and he gradually sank. Gov. Marvii was born in Sussex county, this State, on Sept. 3, 1835, and came of an old Delsware family. He was brought up on a farm, and his opportunities to acquire an edu-

and his opportunities to acquire an education were meagre. In early manhood he became a sailor and later a bontbuilder. When he was 28 years old he began the manufacture of agricultural implements. In 1870 he became interested in the manufacture of basketsand crates for fruit, and built extensive works here which have an annual output of two million baskets.

Gov. Marvil had taken an active interest in Delaware Republican politics for many years, but was never a candidate for office until he was sominated for Governor by his party in August last. His term of office would have expired Jan. 1, 1899.

By his death William P. Watson, Speaker of the Senate, who is a Democrat, becomes acting Governor. By the elevation of Mr. Watson to the Gubernatorial chair the Senate of this State becomes a tie, four Republicase and four Democrats. Mr. Watson will not serve out Gov. Marvil's unexpired term, but will act as the Chief Executive of the State until the next general election in November, 1896. By some it is contended that Mr. Watson will not be compelled to resign his seat as Senator from Kent county while acting as Governor, although it will probably be necessary for him to readyn the Speakership.

If such a construction of the Constitution of the State should be interpreted by the Court that Mr. Watson must resign his office of Senator, a special election by Mr. Watson by the close plurality of 88 votes.

What effect the death of Gov. Marvil will have upon the Senate context being waged in the Legislature between Higgins and Addicks is difficult to forceast.

If the Legislature of the State fails to elect the acting Governor at the State can nominate at the last clearing Governor of the State can nominate at the last clear of the State fails to elect the acting Governor of the State can nominate at the last clear of the State can nominate at the last clear of the State can nominate at the last clear of the State can nominate at the last clear of the State can nominate at the last clear of the State can nominate at the

Legislature between Higgins and Addicks is difficult to forecast.

If the Legislature of the State fails to elect the acting Governor of the State can nominate a Senator, but the United States Senate has decided against admitting such Senators.

One of the last official acts of Gov. Marvil was to appoint James D. Spicer, a young man in whom he had taken a great Interest, State Librarian. Mr. Spicer expected to take charge of the office to-morrow, but Gov. Marvil, when secretary of State Smithers brought the commission for his signature yesterday, was unable to sign it. More than a dozen offices are left vacant in this way.

AGAINST EXCISE LEGISLATION.

The New York East Conference Protests Against Open Saloons on Sunday. STAMFORD, Conn., April 8. At the session of the New York East Conference to-day the Rev. Dr. Paulson of Jamaica offered the following

resolutions which were passed and ordered sent to the Brooklyn representatives at Albany: "Whereas. We are informed that it is the purpose of the Excise Committee of the Assembly of the Legislature of the State of New York to recommend on Thursday next the passage by the Assembly of the submission of the following question to the cities of New York, Brooklyn, and Buffalo, viz: Shall saloons be open on Sunday? therefore

day? therefore
"Resolved. That the New York East Conference of the Methodist Episcopal Church, now in session, including within its bounds the city of Brooklyn and a part of New York, hereby procests against such action as promotive of immorality and as calculated to surrender those cities to the dominance of forestoners and their ities to the dominance of foreigners and their

THE POISONED NEWARK BOYS.

The Boctors Think the Root They Ate Was The physicians at the Newark City Hospital are still in doubt regarding the real nature of the root the Bishop boys ate on Sunday, which the root the hishop boys are on Sunday, which caused the death of one and from the effects of which the younger boy is slowly recovering.

In view of the fact that the younger boy will be able to take one of the hospital doctors to the place where he and his brother found the root in a day or two, Coroner's Physician Washington did not perform an autopsy on the body of the deaf boy.

The doctors think the herb was the root of the yellow jasmine, which is a climbing plant, it thates somewhat like celery and grows for the

yellow jasmine, which is a climbing plant. It tastes somewhat like celery and grows for the most part in Southern forests. The root is used in medicine under the name of Gelsemium. It is nerve poison, causing motor and sensory para-

THE CHITRAL EXPEDITION

Indian Troops Winning Victories Among the Mountains.

LONDON, April 8. Advices from Calcutta received to-day report that the Chitral expedition neceeded in carrying the fords of the Swat River on Saturday. The entire expedition, with provisions, munitions, &c., was taken over, and at once proceeded by forced marches to Dir at once proceeded by forced marches to Dir. The Second Brigade forced the passage, doing excellent work with their battery and Maxim guns. The Bengai Lancers, after fording, attacked the enemy, who retreated slowly. The Lancers charged them, and they broke into a run. They were pursued for inites by the Lancers, who killed hundreds of them. Further up the river the Scottish Borderers made a crossing and succeeded in capturing Umra Khan's fort. The British losses were slight.

FELL THROUGH THE SKYLIGHT. An Elevated Rallway Employee's Descent into a Restaurant Litchen.

While the cooks in Matthew Murray's restaurant at 2,373 Third avenue were busy preparing dinner yesterday, John Metzger of 445 Seventh avenue fell through the skylight and just missed a cauldron of hot soup. He had been sent on the roof to cut an opening to place an elevated railroad column. His hip was broken, so he was removed to liartem Hospital.

The restaurant is in one of a row of one-story buildings, near 120th street, over which the Manhattan Railroad cars pass on their way to the ratiroad yards, between Second and Third

Cut Bown at Sea by a Coal Barge.

VINEYARD HAVEN, Mass., April 8. The schoener Josiah R. Smith of Bath, A. C. Freeman, master, from Paltimore for Boston with a cargo of coal, and the barge Lone Star, from cargo of cont, and the barge Lone Star, from Boston for Norfolk, the latter in tow of the steamer Orion, collided last evening about 9 o'clock when about four miles north-northeast from Gay Head. The Lone Starcut the schooner through to the main hetch and caused her to sink in three minutes. The cantain and crew of seven men succeeded in getting on board the Lone Star. Was prevented from sinking by her water-tight buildhead.

PARIS, April 8.—Cardinal Vaughan, Arch dishop of Westminster, who is on his way from Rome to London, has stopped here for a day or two. He says that the Pope's physical and in-tellectual vigor is greater now than before in many months.

The Pope More Vigorous Than Ever,

THE COURT DIVIDED

A Part of the Income Tax Law Declared Void.

TAX ON RENTS A DIRECT TAX.

Taxation of State and Municipal Conds Also Unconstitutional.

Hair the Revenue Expected from the Law Knocked Of .- Fuller, Field, Gray, and Brewer Held that the Law Was Wholly Vold-Only White Was for the Whole Law-Justice Field Delivers a Vigorous Optnion, Holding the Law Unconstitutional from Reginning to End-Senator Hill Gratified at the Decision, as It Sustains His Arguments In the Sonato.

WASHINGTON, April 8,- The Supreme Court of he United States has given the populistic inome tax law enacted by the Fifty-third Concross what is generally regarded as its death blow. Eight of the nine Associate Justices were on the bench to-day, one member of the court, Mr. Justice Jackson of Tennessee, being absent on account of protracted illness. In an elaborate and exhaustive opinion read by Chief Justice Fuller the court decided two of the most essential features of the law to be unconstitutional. These sections provide for a tax upon the rental values of real estate and upon State and municipal bonds. The two classes of capitalists most objectionable to the enthusiastic advocates of the undemocratic law thus escape its hardships. The Chief Justice also announced that the court withheld an opinion as to the constitutionality of all other portions of the law, because of the fact that the eight Justices were equally divided. on the question. The effect of this division is to uphold the income tax law, except the provisions with regard to rents and bonds. The decision of the court, however, being a reversal of the action of the lower court sustaining the law in all its features, is regarded by lawyers and Administration officials generally as a step in the direction of declaring the unconstitutionally of the entire law as soon as the question shall come before the court in different shape.

Justice Field, the oldest and in some respects the ablest member of the court, read a dissenting opinion, in which he vigorously denounced the Income Tax law as unconstitutional from beginning to end, and sustained his opinion by lucid arguments and copious extracts from the law, accompanied by numerous decisions of various high legal tribunals. Justice Field's opinion was on the same vigorous lines as the speeches made in Congress by Senator Hill and other lawyers at the time the populistic element of the Democratic party was clamoring for the

passage of the law,
Justice White, the junior member of the court, delivered an apparently off-hand opinion with much show of feeling and excitement, in which he defended the law in all its particulars. His opinion sounded more like a political stump speech than a judicial utterance, and was accepted by his astonished hearers as the indignant protest of the Administration against crippling the operations of its pet revenue-raising measure. Justice Harlan, who, in the consultations of the court, was opposed to exempting rents from taxation, also delivered a brief opinion, making clear his attitude on the question, and the court

then adjourned. Although the four opinions handed down coutained nothing to indicate how the Justices voted on the various points in dispute, it is ascertained on good authority that the poll was as

follows: rents-Justices Harian and White, in opposition Chief Justice Fuller and Justices

Field, Gray, Brewer, Brown, and Shiras. In favor of the constitutionality of a tax on State and municipal bonds-Justice White. In opposition-Chief Justice Fuller and Justices Field, Harlan, Brown, Brower, Gray, and Shiras, In favor of the constitutionality of the remaining sections of the law-Justices Brown, Shiras, Harlan, and White. In opposition-

Chief Justice Fuller and Justices Field, Gray, and Brewer. Great popular interest was displayed in the decision of the court, and the little domed-ceiling room was crowded to-day as it never has been since the famous Electoral Commission held its sittings there in 1877, and the crowds that daily filled the narrow spaces in those days were as great as when, years gone by, Webster, Clay, and the other great orators and statesmen had made the walls of the room, then occupied by the Senate of the United States, resound with the eloquence of their voices. Half of the crowd to-day were women, and scores of members of the bar entitled to admission were unable to get within the rail. Many prominent ones were present, however, including Senator Hill, Judge Jeremiah Wilson, George S. Boutwell, Jeff Chandler, William M. Springer, Senstor Mitchell, Ephr. Hunton, and others. Senstor Hill had come to Washington to argue a case before the court, and he was the centre of all eyes as he sat looking at the Justices with a smile of satisfaction as they gave the weight of their legal knowledge to the arguments which he made in Congress against the constitutionality of the income tax. After the adjournment of the court the Senator was heartily congratulated on all sides on the vindication of the soundness of his arguments. To The Sun correspondent the Senator said that he regarded the decision of the court as a vital blow at the act, and the offect would probably

be to hasten the repeal of the law. He added: "The court has stricken out the two most important features of the act, that relating to rents and a tax on State and municipal bonds. You will remember that I did everything in my power while the subject was pending in the Senate to demonstrate the unconstitutionality of taxing such bonds. I was outvoted, but I am gratified to know that my judgment in that particular is sustained by an overwhelming majority of the court."

The Senator added that he thought the decision would have a good effect upon the business interests of the country generally, so far as those two items are concerned, and that it will also eventually redound to the interest of the Democratic party in some parts of the country. Although they are not yet ready to admit it, the members of the Administration, and especially the officials of the Treasury Department. are astonished and discouraged at the practical nullification of their pet Populistic measure of revenue raising, and they are at a less which way to turn. The time during which the income tax returns may be filed under the law will expire next Monday, and if the law is to be carried out the Treasury officials must during the coming week send amended blanks broadcast and return for correction the blanks aiready filled out and filed at the Treasury De partment, or themselves make deductions for those who have returned the amount of their rental values and bond holdings. One of the connected with the collection of the income tax graphically described the situation when he said to-day: "We are badly disfigured, but still in the ring."

Thirty million dollars was the amount in round numbers which the advocates of the income tax in Congress and in the Tressury pre-